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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

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JACOB SILVERMAN,
Plaintiff,
v.
MENDIBURU, et al.,
Defendants.

Case No. 17-01146 BLF (PR)

**ORDER ON REMAND; REFERRING
CASE TO SETTLEMENT
PROCEEDINGS; STAYING CASE;
INSTRUCTIONS TO CLERK**

Plaintiff, a California state prisoner, filed a civil rights complaint in *pro se* pursuant to 42 U.S.C. § 1983. On May 10, 2018, the Court granted Defendants' motion for summary judgment and dismissed Plaintiff's excessive force claim; judgment was entered the same day. (Docket Nos. 48 & 49.) Plaintiff appealed the matter. (Docket No. 56.) The Ninth Circuit found that Plaintiff had submitted competent evidence which was not considered by the district court in ruling on Defendants' motion for summary judgment and remanded the matter for further proceedings. (Docket No. 71.)

The Court has established a Pro Se Prisoner Settlement Program under which certain prisoner civil rights cases may be referred to a neutral Magistrate Judge for settlement. Because there is a dispute of facts as to whether Defendants violated Plaintiff's constitutional rights, the Court finds the instant matter suitable for settlement proceedings.

1 Accordingly, the instant action will be referred to a neutral Magistrate Judge for mediation
2 under the Pro Se Prisoner Settlement Program.

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4 **CONCLUSION**

5 For the reasons stated above, the instant case is **REFERRED** to Judge Robert M.
6 Illman pursuant to the Pro Se Prisoner Settlement Program for settlement proceedings on
7 the claims in this action, as described above. The proceedings shall take place **within**
8 **ninety (90) days** of the filing date of this order. Judge Illman shall coordinate a time and
9 date for a settlement conference with all interested parties or their representatives and,
10 within ten (10) days after the conclusion of the settlement proceedings, file with the court a
11 report regarding the prisoner settlement proceedings.

12 Other than the settlement proceedings ordered herein, and any matters Magistrate
13 Judge Illman deems necessary to conduct such proceedings, this action is hereby
14 **STAYED** until further order by the court following the resolution of the settlement
15 proceedings.

16 The Clerk shall mail a copy of this order to Magistrate Judge Illman in Eureka,
17 California.

18 **IT IS SO ORDERED.**

19 **Dated: December 4, 2019**


BETH LABSON FREEMAN
United States District Judge

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25 On Remand; Refer to Settlement Proceedings
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